

Application Serial No. 10/537,144
Reply to final office action of October 30, 2009

PATENT
Docket: CU-4236

Remarks and Arguments

Reconsideration is respectfully requested.

Claims 1-6 and 8-10 are pending in the present application before this amendment. By the present amendment, claims 8 and 9 have been canceled without prejudice, and claims 1 and 6 have been amended. The claims are amended to incorporate the respective allowable subject matter of claim 9 and its intervening claims to place the application in condition for allowance. No new matter has been added...

Allowable Subject Matter

In the office action (page 9), the examiner indicates that claim 9 is allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. The applicants thank the examiner for this indication of allowable subject matter. Accordingly, the applicants have amended independent claim 6 to incorporate the allowable subject matter of canceled claims 8, and 9, such that claims 6 and 10 are now condition for a notice of allowance. Also, the applicants have amended independent claims 1 to include the non-obviousness part of the allowable subject matter of claim 9 and its intervening claims when combined with the non-obviousness part of its base claim 6 without including all of the limitations of claim 6 and canceled claims 7-9, which should now be in condition for a notice of allowance. Therefore, the applicants respectfully submit that claim 6 (and similarly claim 1), which have been amended to clarify the presently claimed invention, is allowable over the cited prior art references. Thus, amended claim 6 now puts claim 6 and 10 in condition for allowance. Also we believe the amendment to claim 1 should put claims 1-5 in condition for allowance. Accordingly, we believe the application in condition for allowance.

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In the office action (page 2), claim 1 stands rejected because of obviousness-type double patenting as being unpatentable over the corresponding claim 7 of Application No. 10/537,846. Also, in the office action (page 3), claim 6 stands rejected because of obviousness-type double patenting as being unpatentable over the corresponding claim 1 of the copending Application No. 10/537,846. In response, a terminal disclaimer is respectfully submitted herewith as suggested by the examiner, thereby overcoming the provisional rejection under the judicially created doctrine of obviousness-type double patenting. Withdrawal of the rejection is respectfully requested.

103 Rejection

In the office action (page 3), claims 1-6, 8 and 10 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Publication No. 2003/0118015 (Gunnarsson) in view of U.S. Publication No. 2002/0187780 (Souissi), and further in view of U.S. Publication No. 2003/0040314 (Hogan).

The applicants respectfully thank the examiner for the indication of allowable subject matter with respect to the above allowable claims.

The applicants have amended claim 6 to include the allowable limitations of canceled claim 9 and its intervening canceled claim 8 and amended claim 1 to include the non-obviousness part of the allowable subject matter of claim 9 and its intervening claims when combined with the non-obviousness parts of its base claim 6 without including all of the limitations of these claims to clarify the presently claimed invention and to traverse the examiner's rejection. These amendments have been made solely with the intention of inviting a notice of allowance. Therefore, the applicants respectfully

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submit that the application is now in condition for allowance. The applicants believe the claims are now in condition for allowance.

The applicants respectfully note on record that the amendment of claims herein should not be construed as an admission by the applicants that any of the cited prior art references teaches nor discloses nor suggests any of the claimed subject matter in the manner proposed by the examiner. In this regard, the applicants respectfully reserve all rights to present the subject matter of the claims 7-9, now canceled, in a separate patent application continuing from this application or otherwise.

As to the remaining claims, the applicants respectfully submit that these claims are allowable at least since they depend from independent claims that contain allowable subject matter and are now considered to be in condition for allowance for the reasons above.

For the reasons set forth above, issuance of a Notice of Allowance for the currently pending claims 1-6 and 10 is respectfully requested.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

When issuance of a Notice of Allowance is proper in the next action, the examiner is authorized to cancel the withdrawn claims, for which the applicant reserves the right to file a divisional application.

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Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

Dated: January 12, 2010

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